



Paper No. 5

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OFFICE OF PETITIONS

In re Application of
Setterstrom, et al.
Application No. 09/618,577
Filed: July 18, 2000
Attorney Docket No. Army 145

DECISION ON PETITION
AND ACCORDING RULE
47 STATUS

This is a decision on the petition filed January 24, 2002
(Certificate of Mailing dated December 18, 2001), pursuant to 37
CFR 1.137(b), to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to
timely reply to the Notice to File Missing Parts of
Nonprovisional Application, mailed September 29, 2000. This
Notice set a period for reply of two (2) months from the mail
date of the Notice to submit an executed oath or declaration for
inventors Tice, Roberts, and Friden. No extensions of time under
the provisions of 37 CFR 1.136(a) were obtained. Accordingly,
the above-identified application became abandoned on November 30,
2000. The instant petition precedes the mailing of a Notice of
Abandonment.

With the instant petition, petitioner has submitted a
declaration, paid the \$130 surcharge for its late filing, and met
all other requirements for a grantable petition under 37 CFR
1.137(b). The declaration was executed by inventors Roberts and
Friden. A declaration was not submitted for Tice. However, in
an earlier petition under 37 CFR 1.47(a) filed in parent
application no. 08/789,734, petitioner was successful in showing
that Tice refused to join the parent application.

Accordingly, the petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified divisional application is hereby accorded
Rule 1.47(a) status. However, notice of the Rule 1.47(a) status
will not be repeated to nonsigning inventor Tice, nor will an
announcement be published in the Official Gazette.

The petition fee of \$1,280, the \$130 surcharge for late filing of
the declaration, and the \$130 fee for the petition under 37 CFR
1.47(a) have been charged to Deposit Account No. 21-0380, as
authorized.

¹ The petition was granted in a decision mailed on October 26, 2000. A
copy of the decision was submitted with the instant petition.

² See MPEP 201.06(c) at 200-38.

The application file is being forwarded to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries related to this decision should be directed to the Petitions Attorney Cliff Congo at (703) 305-0272.



Beverly Flanagan
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for Patent Examination Policy